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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.11357 of 2022

P.Sakthivel

... Petitioner

Vs.

1.The District Collector,
Erode District,
Erode - 638 011.

2.The Revenue Divisional Officer,
Erode District,
Erode.

3.The Tahsildar,
Modakurichi Taluk,
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to issue patta to the petitioner for the house located in Natham Survey No.197/7, Enjampalli A-Village, Modakurichi Taluk, Erode District as decreed by the Principal District Munsif Court, Erode in O.S. No.121 of 2020 dated 21.04.2021 and also based on the recommendation of the third respondent dated 27.07.2021.

For Petitioner : M/S.Durai Gunasekaran

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to issue Patta to the petitioner for the house located in Natham Survey No.197/7, Enjampalli A-Village, Modakurichi Taluk, Erode District, as decreed by the Principal District Munsif Court,



Erode in O.S. No.121 of 2020, dated 21.04.2021 and also based on the recommendation of the third respondent, dated 27.07.2021.

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2. The case of the petitioner is that he is the absolute owner of the aforesaid property, vide sale deed, dated 04.06.2003 in Document No.703 of 2003, registered before the Sub-Registrar, Sivagiri. Subsequent to the purchase of the aforesaid property, the petitioner came to know that in the Sale Deed, the Survey Number was mentioned as Survey No.197/3, instead of 197/7. Since there was a clerical mistake in the Sale Deed, the petitioner applied for Patta before the third respondent. While so, the third respondent had instructed the petitioner to get the correct Survey Number from the Civil Court. Therefore, the petitioner filed a Suit in O.S.No.121 of 2020 before the Principal District Munsif Court, Erode, praying to declare the correct Survey No.197/7 instead of Survey No.197/3, and the said Suit was decreed on 21.04.2021. Thereafter, the petitioner made an application, dated 30.06.2021 before the third respondent, seeking issuance of Patta with the correct Survey Number for the aforesaid property. Further, the third respondent had conducted an enquiry and made field inspection and found that the petitioner's claim was genuine. Therefore, the third respondent had recommended the second respondent by letter dated 27.07.2021, to issue Patta in favour of the petitioner, based on the above said Civil Court's decree, sale deed and also the said enquiry. However, the second respondent has not passed any order. Hence, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to issue Patta to the petitioner for the aforesaid property based on the said Civil Court's decree dated 21.04.2021 and the recommendation made by the third respondent dated 27.07.2021 and pass orders on the same, within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to pass orders on the recommendation made by the third respondent dated 27.07.2021, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above direction, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

jd/rap
To

1.The District Collector,
Erode District,
Erode - 638 011.

2.The Revenue Divisional Officer,
Erode District,
Erode.

3.The Tahsildar,
Modakurichi Taluk,
Erode District.

+1 cc to the Government Pleader sr31012
+1 cc to Mr.P.Kannan Kumar Advocate sr30140

W.P. No.11357 of 2022

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aa02/06/2022